



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

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REPLY TO THE ATTENTION OF

DEC 09 1992

H-7J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Re: Skinner Landfill Site, West Chester, Ohio

Dear Sir or Madam:

Enclosed please find a unilateral Administrative Order issued by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq. Please note that the effective date of this Administrative Order is fourteen (14) calendar days after the date shown on page 25 of the Order.

The U.S. EPA has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment at the Skinner Landfill Site. Public Monies have been spent by the U.S. EPA to conduct a Remedial Investigation/Feasibility Study ("RI/FS"). These activities were authorized by Section 104 of CERCLA, 42 U.S.C. § 9604.

Section 122(a) of CERCLA requires U.S. EPA to notify potentially responsible parties ("PRPs") in situations when invoking the settlement procedures set forth in Section 122(e) of CERCLA is not appropriate. The U.S. EPA has decided not to invoke the settlement procedures of Section 122(e) of CERCLA because, based on the nature of the interim remedial action to be implemented at the site and the need to implement such remedial action expeditiously for the protection of human health, Section 122(e) procedures would not be practicable or in the public interest. Pursuant to Section 122(a) of CERCLA, the U.S. EPA's decision not to invoke the settlement procedures of Section 122(e) of CERCLA is not subject to judicial review.

If you have any questions regarding the Order, feel free to contact John Breslin, Assistant Regional Counsel, at (312) 886-7165 or Jim Van Der Kloot, Remedial Project Manager, at (312) 353-9309.

Sincerely yours,

  
William E. Muno, Director  
Waste Management Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

IN THE MATTER OF:

SKINNER LANDFILL SUPERFUND SITE  
BUTLER COUNTY, OHIO

RESPONDENTS:

Listed in Attachment 1

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)  
) ADMINISTRATIVE ORDER  
) PURSUANT TO SECTION 106  
) OF THE COMPREHENSIVE  
) ENVIRONMENTAL RESPONSE,  
) COMPENSATION, AND  
) LIABILITY ACT OF 1980,  
) AS AMENDED  
)  
)  
)  
)

I.

PREAMBLE

The following Administrative Order ("Order") is issued to the Respondents pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA"), and delegated to the U.S. Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Regional Administrator by U.S. EPA Delegation No. 14-14-B, issued February 26, 1987, and further delegated to the Director of the Waste Management Division, Region V, by Delegation No. 14-14-B, issued September 14, 1987. Pursuant to Section 106(a) of CERCLA, notice of issuance of this Order has been given to the State of Ohio.

This Order requires the Respondents to undertake remedial action activities at and near the Skinner Landfill Superfund Site in Butler County, Ohio (the "Site" or "Facility"), as described below, to abate an imminent and substantial endangerment to the public health or welfare or the environment that may exist because of the release or threat of a release of hazardous substances present at the Site.

## II.

### PARTIES BOUND

This Order applies to and is binding upon the Respondents, their successors and assigns. The Respondents shall provide a copy of this Order to any engineer or contractor hired to perform the work required by this Order. The Respondents shall also require that any contractor provide a copy of this Order to each subcontractor retained to perform any part of the work required by this Order.

## III.

### DEFINITIONS

Whenever the following terms are used in this Order or the Attachments attached hereto, the definitions specified in this Section shall apply.

A. "CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499, 42 U.S.C. § 9601 et seq.

B. "Facility" means the "facility" as that term is defined at Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), where hazardous

substances have come to be located; the Facility is located in West Chester, Butler County, Ohio and is known as the Skinner Landfill Superfund Site.

C. "Hazardous substance" shall have the meaning provided in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

D. "OEPA" means the Ohio Environmental Protection Agency.

E. "National Contingency Plan" shall have the meaning set forth in Section 105 of CERCLA, 42 U.S.C. § 9605.

F. "Interim Action Operable Unit," as this term applies to the interim remedial action required by this Order and its Attachments, is an interim action remedy requiring the construction of a fence around the contaminated portions of the Site, the connection of an alternative water supply for potentially affected users of groundwater, and the performance of on-site groundwater monitoring.

G. "Record of Decision" or "ROD" means the U.S. EPA-approved remedy selected for implementation at the Facility and signed by the Regional Administrator of the U.S. EPA, Region V, on September 30, 1992, and attached as Attachment 2.

H. "Respondents" refers to the parties delineated in Attachment 1.

I. "Response Costs" means any costs incurred by the U.S. EPA in conducting response actions related to this Order and not inconsistent with the NCP.

J. "Administrative Record" means the Administrative Record, which includes all documents considered or relied upon by

U.S. EPA in the selection of the remedial action embodied in this Order and Attachments. The Administrative Record Index is a listing of all documents included in the Administrative Record, as set forth in Attachment 3.

K. "State" means the State of Ohio.

L. "United States" means the United States of America.

M. "Work" means the activities to be undertaken by Respondents in accordance with this Order and Attachments.

#### IV.

##### FINDINGS OF FACT AND DETERMINATIONS

A. The Skinner Landfill Site is a Facility within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9). The Site is located in West Chester, Ohio, in Section 22 of Butler County (see Attachment 4).

B. The Site was used in the past for the mining of sand and gravel, and was operated for the landfilling of a wide variety of materials from approximately 1934 through 1990. Materials disposed of on the Site include construction and demolition debris, household refuse, and a wide variety of chemical wastes. A low area in the center of the Site, referred to as the waste lagoon, was used for the disposal of paint wastes, ink wastes, creosote, pesticides, and other chemical wastes.

C. Several geologic units which underlie the Site are used locally for the supply of drinking water.

D. In 1976, in response to a fire on the Site and reports of observations of a black, oily liquid in a waste lagoon on the

Site, the OEPA began an investigation of the Site. After the initial investigation, the Skinners covered the waste lagoon with a layer of demolition debris, thereby hindering further investigation. Albert Skinner, the Site owner at the time, dissuaded the OEPA from accessing the waste lagoon area by claiming that nerve gas, mustard gas, incendiary bombs, phosphorus, flame throwers, cyanide ash, and other explosive devices were buried at the landfill. This prompted the OEPA to request the assistance of the U.S. Army. In the presence of OEPA attorneys and the U.S. Army investigators, Albert Skinner subsequently retracted his claims that ordnance and other explosive devices were present on the Site. The U.S. Army and OEPA then dug several trenches into the buried waste lagoon, finding a black substance and barrels of wastes. Records searches performed by the U.S. Army have revealed no records indicating the shipment of ordnance or explosives from the U.S. Army to the Site.

E. In 1982, the U.S. EPA conducted a limited investigation for the purpose of scoring the Site for inclusion on the National Priorities List ("NPL"). This investigation showed that the groundwater southeast of the buried waste lagoon was contaminated with volatile organic compounds. The Site was placed on the NPL in December 1982.

F. In 1985, the U.S. EPA began a Phase I Remedial Investigation, which included the sampling of ground water, surface water, and soils. U.S. EPA also conducted a biological

survey of the East Fork of Mill Creek and Skinner Creek.

G. In 1989, the U.S. EPA began a Phase II Remedial Investigation ("Phase II RI") to further investigate the Site groundwater, surface water, soils, and sediments. Overall, 33 soil borings and 39 groundwater monitoring wells were installed, and over 400 samples from the Site were analyzed in chemical laboratories.

H. In August 1990, the OEPA closed the Site to all further landfilling activities.

I. Hazardous substances were detected in the groundwater in two wells, GW-20 and B-05, located immediately adjacent to and downgradient from the waste lagoon, were the most severely impacted of wells tested during the Phase II RI. Hazardous substances detected in these wells include 1,1-dichloroethane, 1,2-dichloroethane, 1,2-dichloroethene, 1,2-dichloropropane, chloroethane, ethylbenzene, chloroform, trichloroethene 1,3-dichlorobenzene, 1,4-dichlorobenzene, naphthalene, and vinyl chloride.

J. The flow of groundwater within the unconsolidated deposits (those deposits lying above the bedrock) on the Site appears to be generally controlled by the surface topography, which in turn mirrors the bedrock topography. The groundwater surface maps indicate that the groundwater flows downgradient, along the same direction as the slope of the ground surface.

K. Data developed during analyses of groundwater performed during the two phases of the RI revealed the presence of numerous



hazardous substances as defined in Section 101(14) of CERCLA, including trichloroethene, toluene, benzene, acetone, and methylene chloride. Some compounds detected in groundwater and the associated maximum concentrations found at the Site are listed below. The concentrations for trichloroethene, benzene, and toluene exceed Maximum Contaminant Levels ("MCLs") established pursuant to the Safe Drinking Water Act, 42 U.S.C. §300f et al. The MCL for trichloroethene is 5 ug/L; for benzene the MCL is 5 ug/L; and for toluene the MCL is 1,000 ug/L.

GROUNDWATER ANALYTICAL DATA  
(ug/l)

<u>Chemical</u>	<u>Maximum</u>
Trichloroethene	31
Toluene	3100
Benzene	20,000

L. The area to be fenced encompasses the landfill and the buried waste lagoon, which the Remedial Investigation identified as the primary areas of contamination.

M. In April 1992, U.S. EPA made the Proposed Plan for the remedial action to be conducted at the Site available for public comment. A public meeting was held in West Chester, Ohio, on May 20, 1992. Based on comments received at this and a second meeting held on July 29, 1992, U.S. EPA proposed implementing the Interim Action Operable Unit and extended the comment period for such Operable Unit until August 31, 1992. The Record of Decision for this Interim Action Operable Unit was signed by the Regional

Administrator for Region V of U.S. EPA on September 30, 1992.

N. The ROD is attached as Attachment 2. The selected remedy provides for connection of an alternative water supply for potentially affected residences currently using groundwater, for construction of a fence around the contaminated portions of the Site, and for monitoring of on-Site groundwater.

O. U.S. EPA's ROD includes a discussion of U.S. EPA's reasons for the selection of the Interim Action Operable Unit remedy. The remedial action has been determined to be a cost-effective remedial action that provides adequate protection of public health, welfare, and the environment, and meets or waives all Federal and more stringent State applicable or relevant and appropriate requirements ("ARARs"), within the meaning of Section 121 of CERCLA, 42 U.S.C. § 9621, and the NCP.

P. At various times between 1934 and 1990, "hazardous substances" as defined in Section 101(14), of CERCLA, 42 U.S.C. § 9601(14), were deposited, stored, disposed of, placed, or located at the Site.

Q. The past, present, and/or future migration of hazardous substances from the Site constitutes an actual and/or threatened "release" into the environment as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and may present an imminent and substantial endangerment to the public health or welfare or the environment.

R. Elsa Skinner Morgan is the "owner" of the Facility as defined in Section 101(20) of CERCLA, 42 U.S.C. § 9601(20).

S. Apart from the Respondent described in Paragraph R, the Respondents delineated in Attachment 1 to this Order generated hazardous substances and "arranged for" the disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by the Respondents within the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3). Respondents are "persons" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21). Each Respondent is a liable person with respect to the Facility within the meaning of Section 107 of CERCLA, 42 U.S.C. § 9607. The responses to information requests and other documents supporting the Respondents' liability for performance of the actions required by this Order are contained in the Liability Record File for the Order, which supports the issuance of the Order under Section 106 of CERCLA. The Index for the Liability Record File is attached as Attachment 5.

T. The actions required by this Order are necessary to protect the public health or welfare or the environment, and are consistent with the National Contingency Plan, 40 CFR Part 300 et seq., as amended.

V.

#### ORDER

Based upon the foregoing Findings of Fact and Determinations, and pursuant to Section 106(a) of CERCLA, it is hereby ordered that Respondents perform the work described below.

Work to be Performed

1. Within twenty (20) calendar days after the effective date of this Order, the Respondents shall submit to U.S. EPA a Work Plan for carrying out the activities ordered in Paragraph 6 below. The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order. The Work Plan shall include a representation that the Respondents can properly conduct the actions required by this Order. The Work Plan shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify and approve the Work Plan. In the event that U.S. EPA provides Respondents with a written disapproval of or request for revisions to the Work Plan, Respondents shall submit a revised Work Plan incorporating all of U.S. EPA's noted requirements or revisions within ten (10) calendar days of receipt of U.S. EPA's disapproval or request for revisions. Respondents shall implement the Work Plan as approved by U.S. EPA. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.

2. The Work Plan shall contain a Site Safety and Health Plan, which shall be prepared in accordance with the Occupational Safety and Health Administration ("OSHA") regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910.

3. Respondents shall retain a contractor qualified to undertake and complete the requirements of this Order, and shall

notify U.S. EPA of the name of such contractor within fifteen (15) calendar days of the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor or subcontractor, Respondents shall retain a different contractor or subcontractor, subject to approval by U.S. EPA.

4. Within fifteen (15) calendar days of U.S. EPA approval of the Work Plan, Respondents shall commence the work described in the Work Plan. Unless otherwise directed by U. S. EPA, and as mandated by Section 122(e)(6) of CERCLA, the Respondents shall not commence field activities until they receive written approval of the Work Plan by U.S. EPA.

5. Failure of the Respondents to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order.

6. The Work Plan shall require the Respondents to perform, and to complete within sixty (60) calendar days of Work Plan approval, at a minimum, the following activities:

- a) The Respondents shall erect a six-foot high chain link fence with at least two strands of barbed wire around the area indicated in Attachment 6. A gate shall be installed at each point where the fence intersects an on-Site road, and shall be wide enough to permit access to emergency vehicles and construction equipment. Keys to the gates shall be provided to the local police and fire departments,

to U.S. EPA and OEPA, and to any other agencies or individuals identified by U.S. EPA. Signs shall be installed on the fence, indicating the presence of a Superfund chemical waste Site. The signs shall state: "Danger, Keep Out, United State Environmental Protection Agency Superfund Site." The Respondents, or one or more of their representatives, shall inspect the fence at least twice a month, and repair it if necessary. Respondent Elsa Skinner Morgan, the owner of the Site, shall keep the fence locked to the maximum extent practicable.

b) All users of groundwater in the area delineated in Attachment 4 shall be offered an alternative supply of water. The alternative water supply shall be provided by connecting the user's home or business to the existing public water supply. Respondents shall perform this work in accordance with local codes, and shall pay any required hook-up fees. Respondents will not be responsible for the payment of any future water bills for these users.

c) Groundwater at the downgradient Site boundary shall be monitored for organic and inorganic contaminants on a quarterly basis, for as long as this requirement is not superseded by a subsequent Order or Decree. U.S. EPA may determine that this requires the installation of several groundwater monitoring wells.

7. On or before the effective date of this Order, the Respondents shall designate a Project Coordinator. To the

greatest extent possible, the Project Coordinator shall be present on Site or readily available during the course of work on-Site. The U.S. EPA has designated Jim Van der Kloot of the Remedial and Enforcement Response Branch, Ohio/Minnesota Section II, as its Remedial Project Manager. The Remedial Project Manager and the Project Coordinator shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communication between the Respondents and the U.S. EPA, and all documents, reports and approvals, and all other correspondence concerning the activities relevant to this Order, shall be directed through the Remedial Project Manager and the Project Coordinator, and to OEPA.

8. The U.S. EPA and the Respondents shall each have the right to change their respective designated Remedial Project Manager or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondents shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be verbal, but shall be followed by prompt written notice.

9. The U.S. EPA Remedial Project Manager shall have the authority vested in a Remedial Project Manager by the National Contingency Plan, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or the Respondents at the facility.

10. No extensions to the above time frames shall be granted

without sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved by U.S. EPA.

11. This Order and all written instructions by the U.S. EPA Remedial Project Manager or his designated alternate that are consistent with the NCP and this Order shall be binding upon the Respondents.

12. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA or any other applicable law.

13. This Order shall be effective three (3) calendar days following the date of issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective two (2) calendar days following the day of the conference, unless stated otherwise by U.S. EPA.

14. Within seven (7) calendar days of the effective date of this Order, Respondents shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within three (3) calendar days of the verbal notification. Notifications under this paragraph may be made by one Respondent on behalf of another, or by a representative of a group of Respondents formed for the purpose of complying with



this Order. In the event any Respondents fail to provide such notice, those Respondents shall be deemed to have not complied with the terms of this Order.

15. After the effective date of this Order, Respondents shall provide a written bi-monthly progress report to the Remedial Project Manager and to OEPA regarding the actions taken pursuant to this Order. At a minimum, these progress reports shall describe the actions that have been taken to comply with this Order, including all results of sampling and tests received or prepared by the Respondents, and shall describe all significant work items, if any, planned for the next month.

16. The Respondents shall submit a final report summarizing the actions taken to comply with this Order. The report shall contain, at a minimum: identification of the facility; description of the actions performed; a listing of the resources committed to perform the work under this Order (including financial, personnel, mechanical and technological resources); identification of all significant items that affected the actions performed under this Order and discussion of how all problems were resolved; and an affidavit from a person who supervised or directed the preparation of the report. The affidavit shall certify under penalty of law that, based on personal knowledge and appropriate inquiries of all other persons involved in preparation of the report, the information submitted is true, accurate and complete to the best of the affiant's knowledge and belief. The report shall be submitted within thirty (30)

calendar days of completion of all the work required pursuant to this Order.

17. If the date for submission of any item or notification required by this Order falls upon a weekend or state or federal holiday, the time period for submission of that item or notification is extended to the next working day following the weekend or holiday.

18. If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

#### VI.

#### QUALITY ASSURANCE

If Respondents conduct any sampling and analysis of materials on Site during the course of the work required by this Order, they shall use quality assurance, quality control, and chain of custody procedures in accordance with U.S. EPA's "Interim Guidelines and Specifications For Preparing Quality Assurance Project Plans" (QAM-005/80) and subsequent amendments. Prior to the commencement of any sampling and analysis under this Order, Respondents shall submit a Quality Assurance Project Plan ("QAPP") to U.S. EPA and OEPA that is consistent with the Work Plan and applicable guidelines. U.S. EPA, after review of Respondent's QAPP and OEPA's comments thereon, will notify the Respondents in writing of any required modifications, conditional approval, disapproval, or approval of the QAPP. Upon written notification of disapproval or any need for modifications,

Respondents shall make all required modifications to the QAPP within ten (10) calendar days of receipt of such notification. Failure to make all modifications required by U.S. EPA shall be deemed a violation of this Order.

Respondents shall ensure that U. S. EPA personnel or their authorized representatives are allowed access to any laboratory utilized by the Respondents in implementing the Order. Respondents shall ensure that any such laboratory will analyze samples submitted by U. S. EPA or OEPA for quality assurance monitoring.

#### VII.

##### FACILITY ACCESS, SAMPLING, DOCUMENT AVAILABILITY

A. To the extent that the Facility or other areas where work under this Order is to be performed is under ownership or possession by someone other than the Respondents, Respondents shall obtain all necessary access agreements. In the event that, after using their best efforts, Respondents are unable to obtain such agreements, Respondents shall immediately notify U.S. EPA, and U.S. EPA may then, at its discretion, assist Respondents in gaining access, to the extent of its authority and as provided by appropriate U.S. EPA guidance.

B. Elsa Skinner Morgan and other Respondents (to the extent it is within their control) shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants, as well as to representatives of the OEPA, at all reasonable times, and shall permit such persons to be present and move freely about

the area in order to conduct oversight of response activities conducted by Respondents, to conduct inspections, to take photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples, and to conduct other activities that U.S. EPA determines to be necessary.

C. The Respondents shall make available to U.S. EPA and the OEPA the results of any sampling and/or test or other data generated by the Respondents with respect to the implementation of this Order, and shall submit these results in monthly progress reports as described in Section V of this Order.

#### VIII.

##### RETENTION AND AVAILABILITY OF INFORMATION

A. Except for records and documents protected under the Attorney-Client Privilege or Attorney Work-Product doctrines, the Respondents shall make available to U.S. EPA and the OEPA and shall retain during the pendency of this Order, and for six years after termination of this Order, all records and documents in their possession, custody, or control that relate to the performance of this Order, including, but not limited to, documents reflecting the results of any sampling, tests, or other data or information generated or acquired by the Respondents or on behalf of the Respondents with respect to the Facility. At the conclusion of the six-year period following termination of this Order, the Respondents shall provide written notice to the U.S. EPA RPM, the U.S. EPA's Office of Regional Counsel, and the OEPA, ninety (90) calendar days prior to the destruction of such

documents, and, upon request by U.S. EPA or the OEPA, the Respondents shall relinquish custody of the documents to U.S. EPA or the OEPA.

B. The Respondents may assert business confidentiality claims covering part or all of the information provided in connection with this Order in accordance with Section 104(e)(7)(F) of CERCLA, 42 U.S.C. § 9604(e)(7)(F), and pursuant to 40 CFR 2.203(b) and applicable State law.

C. Information determined to be confidential by U.S. EPA will be afforded the protection specified in 40 CFR Part 2, Subpart B and, if determined to be entitled to confidential treatment under State law by OEPA, afforded protection under State law by the OEPA. If no such claim accompanies the information when it is submitted to the U.S. EPA and the OEPA, the public may be given access to such information without further notice to the Respondents.

D. Information acquired or generated by the Respondents in performance of the Work that is subject to the provisions of Section 104(e)(7)(F) of CERCLA, shall not be claimed as confidential by the Respondents.

#### IX.

#### PENALTIES FOR NONCOMPLIANCE

The Respondents are advised, pursuant to Section 106(b) of CERCLA, 42 U.S.C. § 9606(b), that any person who without sufficient cause willfully violates, or fails to comply with this Order, or any portion thereof, may subject the Respondents to a

civil penalty of no more than \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondents to liability for punitive damages in an amount at least equal to but not more than three times the amount of any costs incurred by the U.S. EPA as a result of the Respondent's failure to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3).

X.

#### OTHER CLAIMS

U.S. EPA and the OEPA are not to be construed as parties to, and do not assume any liability for, any contract entered into by the Respondents in carrying out activities pursuant to this Order. The proper completion of the Work under this Order is solely the responsibility of the Respondents.

XI.

#### NOTICES

Whenever, under the terms of this Order, notice is required to be given, or a report or other document is required to be forwarded by one party to another, such correspondence shall be directed to the following individuals at the addresses specified below:

a. As to U.S. EPA:

John Breslin  
Office of Regional Counsel  
U.S. EPA, CS-3T  
77 W. Jackson Blvd.  
Chicago, Illinois 60604

Jim Van der Kloot  
Remedial Project Manager  
U.S. EPA, HSRM-6J  
77 W. Jackson Blvd.  
Chicago, Illinois 60604

and

b. As to OEPA:

Katherine Stroup  
Ohio EPA  
1800 WaterMark Drive  
P.O. Box 1049  
Columbus, Ohio 43266-1049

Kathy Fox  
Ohio EPA  
Southwest District Office  
40 S. Main St.  
Dayton, Ohio 45402-2086

XII.

CONSISTENCY WITH NATIONAL CONTINGENCY PLAN

The U.S. EPA has determined that the Work, if properly performed as set forth in Section V hereof, is consistent with the provisions of the NCP pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605.

XIII.

REIMBURSEMENT OF RESPONSE COSTS

Respondents shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondents' implementation of the requirements of this Order or in performing any response action that Respondents fail to perform in compliance with this Order. U.S. EPA may submit to Respondents on a periodic basis an accounting of all response costs incurred by the United States with respect to this Order. U.S. EPA's Agency Financial Management System summary data (Itemized Cost Summary), or such other summary as certified

by U.S. EPA, shall serve as the basis for payment demands.

Respondents shall, within forty-five (45) days of receipt of each U.S. EPA payment demand, remit a certified or cashier's check for the amount of those costs. Interest shall accrue from the date that payment of a specified amount is demanded in writing. The interest rate is the rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 CFR 102.13.

Checks shall be made payable to the Hazardous Substances Superfund and shall include the name of the Site, the Site identification number, the account number and the title of this Order. Checks shall be forwarded to: U.S. Environmental Protection Agency, Superfund Accounting, P.O. Box 70753, Chicago, Illinois 60673.

Respondents shall send copies of each transmittal letter and check to the U.S. EPA's Remedial Project Manager.

#### XIV.

##### RESERVATION OF RIGHTS

A. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking the legal or equitable action it deems appropriate and necessary, or from requiring the Respondents in the future to perform additional activities pursuant to CERCLA, or any other applicable law.

B. Except to the extent such response costs have been reimbursed under this Order, U.S. EPA reserves its right to bring



an action against Respondents pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, for recovery of response costs incurred by U.S. EPA in connection with the Skinner Landfill Facility.

C. Notwithstanding any other provision of this Order, U.S. EPA reserves the right to complete any response action required herein and seek either reimbursement from Respondents for its costs or other relief, upon a determination by U.S. EPA that Respondents are in violation of this Order or that such action is necessary to protect public health, welfare or the environment.

XV.

MODIFICATION

This Order may be modified in writing by agreement between U.S. EPA and Respondents. This is not intended for the benefit of any third-party and may not be enforced by any third party.

XVI.

CERTIFICATION OF COMPLETION

When the Respondents determine that they have completed the implementation of the interim remedial action pursuant to the approved Work Plan, they shall submit to U.S. EPA and the OEPA a Notification of Completion within seven (7) calendar days of such completion. Upon receipt of such Notification, U.S. EPA and the OEPA shall schedule a final inspection to verify completion. U.S. EPA shall issue a Certification of Completion upon its determination that the Respondents have satisfactorily completed all construction activities required pursuant to the approved

Work Plan. After the U.S. EPA issues the Certification of Completion, Respondents shall continue to monitor the groundwater monitoring wells on a quarterly basis for as long as this requirement is not superseded by a subsequent Order or Decree.

## XVII.

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Findings of Fact and Determinations is available for review and photocopy on weekdays between the hours of 8:00 a.m. and 5:00 p.m., at the U.S. EPA, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Please contact John Breslin, Assistant Regional Counsel, at 312/886-7165, for review of the Administrative Record at this location. The Administrative Record is also available for review at the Union Township Library, 7900 Cox Road, West Chester, Ohio.

## XVIII.

NOTICE OF LIABILITY

Respondents are hereby notified that U. S. EPA will take any action pursuant to Section 106(a) of CERCLA that may be necessary in the opinion of U.S. EPA for the protection of public health or welfare or the environment, and Respondents may be liable under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for the costs of these government actions.

IT IS SO ORDERED:

BY: *Jodi Laub*

DATE: *December 9, 1992*

*Jodi Laub*  
William E. Muno  
Acting Director, Waste Management Division  
U.S. EPA, Region V

## **ATTACHMENT 1**

LIST OF RESPONDENTS

PRP

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## ATTACHMENT 2



## **DECLARATION FOR THE RECORD OF DECISION**

### **SITE NAME AND LOCATION**

Skinner Landfill  
West Chester, Butler County, Union Township, Ohio

### **STATEMENT OF BASIS AND PURPOSE**

This decision document presents the selected interim remedial action for the Skinner Landfill site in West Chester, Ohio, which was chosen in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision document explains the factual and legal basis for selecting the interim remedy for this site. The information supporting this interim remedial action decision is contained in the administrative record for this site.

The State of Ohio concurs with the selected remedy.

### **ASSESSMENT OF THE SITE**

Threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this ROD, may present an imminent and substantial endangerment to public health, welfare, or the environment.

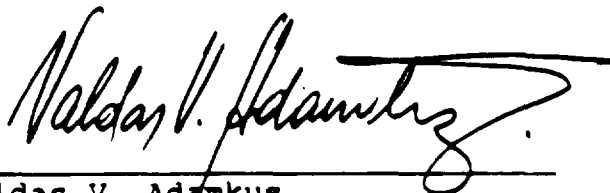
### **DESCRIPTION OF THE SELECTED REMEDY**

This interim action operable unit is the first of two operable units for this site. This operable unit addresses potential contamination of drinking water by eliminating the risks, by providing alternative water supply to those potentially affected users of groundwater, and by monitoring the groundwater at the downgradient boundary of the site. It also provides for the fencing of the contaminated portions of the site.

The second operable unit will provide for control of the on-site contamination, and is intended to be the final response action for this site.

## DECLARATION

This interim action is protective of human health, complies with Federal and State applicable or relevant and appropriate requirements for this limited-scope action, and is cost-effective. Further protection of human health, and protection of the environment, will be addressed in future operable units. This action is interim and is not intended to utilize permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable for this site. Because this action does not constitute the final remedy for this site, the statutory preference for remedies that employ treatment that reduces toxicity, mobility, or volume as a principal element will be addressed by the final response action. Subsequent actions are planned to address fully the threats posed by the conditions at this site. Because this remedy will result in hazardous substances remaining on site above health-based levels, a review will be conducted to ensure that the remedy continues to provide adequate protection of human health and the environment within five years after commencement of the remedial action. Because this is an interim action ROD, review of this site and of this remedy will be ongoing as U.S. EPA continues to develop final remedial alternatives for this site.



Valdas V. Adamkus  
Regional Administrator  
U.S. EPA, Region V

*September 30, 1992.*

Date

## Decision Summary

### SITE NAME, LOCATION, AND DESCRIPTION

The Skinner Landfill site is located in West Chester, Ohio, in Section 22 of Butler County (see Figure 1).

The Skinner site is comprised of approximately 78 acres of hilly terrain, bordered to the south by the East Fork of Mill Creek, on the east by Conrail railroad tracks. Land uses in the immediate site vicinity include business and residential uses to the west and crop farming to the north. Cincinnati-Dayton Road borders the site to the west. An elementary school is located immediately across Cincinnati-Dayton road from the site.

The site was used in the past for the mining of sand and gravel, and was operated for the landfilling of a wide variety of materials from approximately 1934 through 1990. Materials deposited on the site include demolition debris, household refuse, and a wide variety of chemical wastes. A low area in the center of the site, referred to as the waste lagoon, was used for the disposal of paint wastes, ink wastes, creosote, pesticides, and other chemical wastes.

Several geologic units which underlie the site are used locally as aquifers.

### SITE HISTORY AND ENFORCEMENT ACTIVITIES

In 1976, in response to a fire on the site and reports of observations of a black, oily liquid in a waste lagoon on the site, the Ohio EPA began an investigation of the Skinner Landfill. During the course of this investigation, the Skinners covered the waste lagoon with a layer of demolition debris, thereby hindering the investigation. Albert Skinner, the site owner at the time, dissuaded the Ohio EPA from accessing the lagoon area by claiming that nerve gas, mustard gas, incendiary bombs, phosphorus, flame throwers, cyanide ash, and other explosive devices were buried at the landfill. This prompted the Ohio EPA to request the assistance of the U.S. Army. Albert Skinner, in the presence of Ohio EPA attorneys and the U.S. Army investigators, subsequently retracted his claims of the presence of ordnance. The U.S. Army and Ohio EPA then dug several trenches into the buried waste lagoon, and found black ooze and a number of barrels of wastes. Subsequently, records searches have been performed by the U.S. Army, and have indicated that there is no record of any munitions of any sort being disposed of at the Skinner Landfill site.

In 1982, the U.S. EPA conducted a limited investigation of the site for the purpose of scoring the Skinner Landfill site for inclusion on the National Priorities List (NPL). This

investigation showed that the groundwater southeast of the buried waste lagoon was contaminated with volatile organic compounds. The Skinner Landfill site was then placed on the NPL.

In 1986, the U.S. EPA began a Phase I Remedial Investigation, with the sampling of ground water, surface water, and soils. A biological survey of the East Fork of Mill Creek and Skinner Creek was also performed.

In 1989, the U.S. EPA began its Phase II Remedial Investigation ("Phase II RI"), to further investigate the site groundwater, surface water, soils, and sediments. Overall, over 400 samples from the site were analyzed in chemical laboratories. The Remedial Investigation resulted in the installation of 33 soil borings, and 39 groundwater monitoring wells.

In August 1990, through a legal proceeding, the Ohio EPA closed the site to all further landfilling activities.

#### COMMUNITY PARTICIPATION

During the course of the investigation, a number of meetings were held with the community and with a local activist group.

A fact sheet outlining U.S. EPA's plans for the investigation of the Skinner Landfill site was distributed to the public in March of 1986.

A fact sheet describing the results of Phase I of the Remedial Investigation (RI) and plans for Phase II of the RI was distributed to the public in April of 1987.

A fact sheet describing the results of Phase II of the RI and plans for the Baseline Risk Assessment (RA) and Feasibility Study (FS) was distributed to the public in June of 1991. Representatives of the U.S. EPA and the Ohio EPA held a public meeting in West Chester, Ohio on June 20, 1991 to discuss the results of the Phase II RI and plans for future activities at the Skinner site.

A fact sheet describing the results of the Feasibility Study, and presenting the U.S. EPA's preferred alternative for a comprehensive cleanup of the entire Skinner Landfill site was distributed to the public in April, 1992. A component of this cleanup plan was on-site incineration of approximately 17,000 cubic yards of lagoon wastes. A public meeting to discuss the proposed plan and to gather public comments was held on May 20, 1992. A second public meeting on this subject was held on July 29, 1992. An ancillary purpose of this second public meeting was to present to the public the results of an assessment of the risks posed by the on-site incineration option, which had been

requested at the May 20, 1992 public meeting. However, this meeting was disrupted by a local activist group to the point that the risk assessment information was not adequately conveyed to the public.

Subsequent to the second public meeting, and due to concerns expressed by members of the public and by elected officials, the U.S. EPA decided to alter its decisionmaking approach for this site. On August 7, 1992, U.S. EPA mailed an announcement to members of the public and issued a news release, indicating that:

- 1) U.S. EPA proposes to select an interim remedy for this site, including fencing the contaminated portion of the site and providing alternative water supply to potentially affected homes;
- 2) The comment period for fencing and alternate water supply will end on August 31, 1992;
- 3) The comment period for the remaining portions of the remedy will remain open until further notice, in order to address community concerns.

A coalition of various West Chester community groups and residents was formed after the July 29, 1992 public meeting in order to discuss the Skinner Landfill cleanup and to meet with the U.S. EPA and Ohio EPA. This coalition includes representatives from the Township Trustees, the Chamber of Commerce, C.L.E.A.N, the School Board, the Old West Chester Merchants Association, the Union School PTA, the Home Builders Association, the Firefighters/Service Group, and a number of Township Residents. The U.S. EPA and Ohio EPA have met several times with this coalition, and expect to meet with them in the future.

#### **SCOPE AND ROLE OF THE OPERABLE UNIT WITHIN THE OVERALL SITE STRATEGY**

The U.S. EPA has organized this project into two operable units. The first operable unit is an interim action to protect human health by limiting site access to prevent ingestion of and direct contact with contaminated soils, and to protect the potentially affected users of groundwater on and near to the site. The second operable unit will address source control measures, and the remaining on-site contamination. This interim action operable unit is considered to be consistent with any conceivable overall site remedy.

### SUMMARY OF SITE CHARACTERISTICS

This description of site characteristics is limited to those site characteristics which relate directly to the interim remedy, i.e. the extent of soil contamination, and the potential for downgradient migration of groundwater contamination.

The buried waste lagoon appears to be a source of groundwater contamination. Additional sources may exist elsewhere on the site. The groundwater in two wells, GW-20 and B-05, located immediately adjacent to and downgradient from the lagoon, were the most severely impacted of wells tested during Phase II. Contaminants detected in these wells include 1,1-dichloroethane, 1,2-dichloroethane, 1,2-dichloroethene, 1,2-dichloropropane, chloroethane, ethylbenzene, chloroform, trichloroethene 1,3-dichlorobenzene, 1,4-dichlorobenzene, naphthalene and vinyl chloride.

The flow of groundwater within the unconsolidated deposits (those deposits lying above the bedrock) on the site appears to be generally controlled by the surface topography, which in turn mirrors the bedrock topography. The groundwater surface maps indicate that the groundwater flows downgradient, along the same direction as the slope of the ground surface.

The area encompassing the <sup>S</sup>Skinner's residential well is separated from the waste lagoon by a groundwater divide. This means that groundwater would not be expected to flow, for example, from the buried waste lagoon area, across the groundwater divide, to the Skinner's residential well. The Skinner's residential well has been found to be contaminated with several volatile organic compounds at concentrations less than the drinking water standards. Therefore, it appears that there is a source of groundwater contamination within this area, other than the buried waste lagoon. The Proposed Plan indicated that this source would be identified as part of the overall site remedy.

The fenced area encompasses the landfill and the buried waste lagoon, which the Remedial Investigation identified as the primary areas of contamination.

### SUMMARY OF SITE RISKS

Because the Skinner Landfill accepted a variety of wastes since 1934 until it was closed in 1990, numerous chemicals have been detected at the site. Following the RI, an analysis was conducted to estimate the potential health or environmental problems that could result if the site was not cleaned up. This analysis is referred to as the Baseline Risk Assessment (RA). In this assessment, approximately 166 contaminants representing

essentially all classes of chemicals were evaluated for carrying through the risk assessment. Of these, 114 contaminants were retained from these chemical classes for use in assessing site risks. These chemicals can be found on Table 3-1 of the RA Report, and include inorganic, volatile and semi-volatile organic chemicals, pesticides, polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), dioxins and furans. Those contaminants contributing the most significantly to current and future site risks included: volatile organics such as carbon tetrachloride, vinyl chloride, benzene, chloroform, dichloroethene and bis (2-chloroethyl) ether; pesticides such as heptachlor, aldrin, dieldrin, chlordane, chlordene, and hexachlorobenzene; PCBs, specifically Arochlor 1254, and inorganics such as arsenic and cobalt.

The most highly contaminated media included the soils of the buried waste lagoon. Lower levels of contamination were found in the remaining site-wide soils which included the buried pit area. Lower levels of contamination were also found in the ground water and in the sediments in Mill Creek, Skinner Creek, and the Duck and Diving Ponds. Additional contamination may be from drums located north of the buried waste lagoon which were sampled in 1976 and 1986.

The remaining portions of the landfill contain smaller quantities of solid and industrial waste mixed with larger quantities of demolition materials. However, ground water monitoring wells located within the landfill indicate that the landfill is also a source of contamination. Leachate is created at this site when rain water or melting snow percolates through the waste lagoon and landfill. The majority of compounds in the waste lagoon are largely immobile, because they bind tightly to the clayey soils below the waste lagoon and are not dissolved by water. However, mobile VOC compounds in permeable zones beneath the waste lagoon have been detected. These compounds are apparently mobile in the water table and in perched ground water zones above impermeable layers. Contamination of the bedrock layer was minimal.

The majority of ground water contamination in the unconsolidated sediments appears to originate from within the buried waste lagoon. Additional sources may exist to the north and east of the buried waste lagoon as well as upgradient of the Skinner's residential well in the buried valley. Two wells located immediately adjacent to, and downgradient from, the lagoon are the most impacted. These wells contain a wide variety of contaminants with the majority being volatile organic and chlorinated semi-volatile organic compounds. Three wells located within the landfill indicated elevated levels of primarily benzene. Ground water monitoring wells located downgradient of the waste lagoon and landfill, and adjacent to the East Fork of Mill Creek, show considerably fewer contaminants and at much lower concentrations.

Surface water contamination is minimal in all ponds and creeks. However, pond and creek sediments contain low levels of some semi-volatile organic compounds, PCBs, arsenic, and pesticides. The most likely reason for the contamination is due to surface water runoff from the site.

The potential migration pathways for these contaminants include leaching from the soils to the ground water, movement of contaminated ground water to surface water and sediments, and volatilization of chemicals to air from water and soils. Sampling has indicated that concentrations of volatile chemicals in surface soils and water do not represent a significant source of concern for air. Additionally, the depth of contaminated soils in the waste lagoon limits the emission of these chemicals to air.

Currently, the only evidence of contaminants potentially leaving the site through ground water migration is the detection of ethylbenzene at low levels located across the East Fork of Mill Creek from the buried lagoon. The only potential off-site routes of migration for surface water and surface water sediments are through the East Fork of Mill Creek and Skinner Creek. The leachate seeps and ground water discharges into the East Fork of Mill Creek appear to originate from within the buried waste lagoon and clearly indicate a pathway for off-site migration of contaminants.

The RA showed that the potential routes of current and future exposure include: ingestion of and direct contact with contaminated soils; ingestion of affected ground water; dermal contact with ground water; inhalation of chemicals that volatilize from ground water to air during showering; and, ingestion of and direct contact with surface water and sediments during recreational activities. Inhalation of fugitive dust and volatile chemicals was also evaluated qualitatively as a potential exposure route but did not warrant a quantitative assessment because emissions from surface soil would likely be low. This is because the most contaminated portion of the site, the buried waste lagoon, is beneath up to 40 feet of demolition debris and is not considered a source of air risk under the current conditions.

#### **DESCRIPTION OF ALTERNATIVES**

The proposed plan for this site presented five alternatives. The first was a no action alternative, which is evaluated at all Superfund sites in order to assess the potential risk to the public which could occur if no cleanup was done. The other four alternatives evaluated a range of source control response options. However, each of the other four options included identical provisions for monitoring, fencing and provision of



alternate water supply. Therefore, only two alternatives for the fencing and alternate water supply are discussed in this ROD.

#### ALTERNATIVE 1 NO ACTION

The Superfund program required that the "no action" alternative be considered at every site. Under this alternative, the U.S. EPA would take no action to control site access, or to provide alternate water supply to potentially affected residences. Obviously, there is no cost associated with the no action alternative.

#### ALTERNATIVE 2. FENCING AND PROVISION OF ALTERNATIVE WATER SUPPLY

The portion of the site which was utilized for landfilling and the disposal of liquid wastes, as shown in Figure 2, will be enclosed by a 6' tall chainlink fence, topped by two strands of barbed wire. In order to minimize any potential interference between this interim remedy and any future action taken at this site, the fence line has been drawn to encompass the potential future boundaries of a cap, as described in the Proposed Plan. Gates will be installed where the fence intersects on-site roads, and will be wide enough to permit access to emergency vehicles. Keys will be provided to the local police and fire departments, and to any other agencies identified by U.S. EPA. Signs will be installed on the fence, indicating the presence of Superfund chemical waste site. The signs will state: "Danger, Keep Out, United State Environmental Protection Agency Superfund Site". The fence will be periodically inspected, and repaired, if necessary. The fence will be kept locked to the maximum extent practicable.

Those who use groundwater for drinking purposes, who are potentially impacted by migration of contaminated groundwater from the site will be offered alternative water supply, along with the current on-site residents. The area of potential groundwater impact is shown in Figure 3. This area is based upon the projected rate and direction flow of groundwater from the site through the surficial deposits.

Groundwater at the downgradient site boundary will be monitored for organic and inorganic contaminants on a quarterly basis. Implementation of this option will require the installation of several groundwater monitoring wells.

Capital Cost: \$160,000  
Annual O&M Cost: \$30,000

## SUMMARY OF COMPARATIVE ANALYSIS OF ALTERNATIVES

The remedial alternatives developed during the Feasibility Study were evaluated by the U.S. EPA using the following 9 criteria. The advantages and disadvantages of each alternative were then compared to determine which alternative provided the best balance among these 9 criteria. These criteria are set forth in the National Contingency Plan, 40 CFR Part 300.430.

1. Overall Protection of Human Health and the Environment addresses whether or not a remedy provides adequate protection and describes how risks are eliminated, reduced or controlled through treatment, engineering controls or institutional controls.

2. Compliance with ARARs addresses whether or not a remedy will meet all of the applicable or relevant and appropriate requirements (ARARs) of other environmental statutes and/or provide grounds for invoking a waiver.

3. Long-term Effectiveness and Permanence refers to the ability of a remedy to maintain reliable protection of human health and the environment over time once cleanup goals have been met.

4. Reduction of Toxicity, Mobility or Volume is the anticipated performance of the treatment technologies a remedy may employ.

5. Short-term Effectiveness involves the period of time needed to achieve protection and any adverse impact on human health and the environment that may be posed during the construction and implementation period until cleanup goals are achieved.

6. Implementability is the technical and administrative feasibility of a remedy, including the availability of goods and services needed to implement the chosen solution.

7. Cost includes capital and operation and maintenance costs.

8. State Acceptance indicates whether, based on its review of the RI/FS and Proposed Plan, the State of Ohio concurs, opposes, or has no comment on the preferred alternative.

9. Community Acceptance will be assessed in the Record of Decision following a review of the public comments received on the FS report and the Proposed Plan.

Each alternative was evaluated against these nine criteria. The selected alternative is Alternative 2. A discussion of how the alternatives compare to each other based upon these criteria follows.

### Overall Protection of Human Health and the Environment

The fencing is designed to limit access of nearby residents to the contaminated portions of the site, and therefore is a positive contribution toward the overall protection of Human Health and the Environment. The groundwater-related portion of the interim remedy is designed to address the threat of offsite groundwater contamination, rather than any existing offsite groundwater contamination. As such, however, it provides protection of human health and the environment from the threat of offsite groundwater contamination.

### Compliance with ARARs

Installation of groundwater monitoring wells will be performed in accordance with the pertinent portions of OAC 3745-9, Water Well Standards. There are:

- OAC 3745-9-01 Definitions
- OAC 3745-9-05 Construction of New Wells
- OAC 3745-9-06 Casing for New Wells
- OAC 3745-9-07 Surface Design of New Wells
- OAC 3745-9-09 Maintenance & Modification of Wells
- OAC 3745-9-10 Abandonment of Test Holes & Wells
- OAC 3745-9-11 Use of Wells for Disposal

Any construction activities, provision of hook-ups to the local water mains, will be conducted in accordance with local construction codes.

### Long-term Effectiveness and Permanence

This interim remedy offers permanent, long-term protection to the potentially affected users of groundwater.

### Reduction of Toxicity, Mobility or Volume

This interim remedy does not address the contaminant source, and therefore does not provide for any reduction in toxicity, mobility or volume.

### Short-term Effectiveness

This interim remedy is simple and may be implemented quickly, thus maximizing short-term effectiveness.

Implementability

This interim remedy is easily implementable using proven, readily available technologies.

Cost

The cost of this interim remedy is commensurate with its benefits in terms of the other criteria.

State Acceptance

The State of Ohio accepts this interim remedy.

Community Acceptance

The Community appears to accept this interim remedy. Comments are summarized in the responsiveness summary.

SUMMARY OF COMPARISON

Under the No Action alternative, contamination could migrate from the site without being detected, and potentially could be consumed by humans. Also, humans could trespass onto the site and encounter contaminated soils. For these reasons, the No Action alternative is not considered to be protective of human health, and therefore is not a viable option for this site.

Selected Remedy Alternative 2

The fencing, groundwater monitoring and provision of alternate water supply will provide for protection of public health in a very short time frame and for a reasonable cost, and is the preferred alternative for this interim action operable unit.

This interim action will not exacerbate the existing situation and it is consistent with the goals of the final operable unit.

STATUTORY DETERMINATIONS

Under its legal authorities, U.S. EPA's primary responsibility at Superfund sites is to undertake remedial actions that achieve adequate protection of human health and the environment. In addition, Section 121 of CERCLA establishes several other statutory requirements and preferences. These specify that when complete, the selected remedial action must comply with ARARs under Federal and State environmental laws, unless a statutory waiver is justified. The selected remedy must also be cost effective and utilize permanent solutions and alternative

treatment or resource recovery technologies to the maximum extent practicable. Finally, the statute includes a preference for remedies that employ treatment that permanently and significantly reduce the toxicity, mobility or volume of hazardous substances, pollutants and contaminants. The following sections discuss how the selected remedy, where applicable, meets the statutory requirements and preferences.

A. Protection of Human Health and the Environment

The selected remedy provides for protection of human health by limiting the potential for consumption of contaminated drinking water within the potentially affected area and by limiting access to the most contaminated area. As a public water supply system, the selected remedy is a proven and reliable method of providing a permanent and safe drinking water supply through required treatment and monitoring.

The remedial objective of this operable unit is protection of human health only. Protection of the environment will be achieved by future operable units that address contaminated groundwater and on-site sources of contamination.

B. Compliance with Applicable or Relevant and Appropriate Requirements (ARARs)

All ARARs will be met for this operable unit remedial action. The RCRA Land Disposal Restrictions do not apply to this operable unit remedial action, because no contaminated soil will be dug up. Local construction codes will be followed.

C. Cost-Effectiveness

The selected remedy is cost-effective.

D. Utilization of Permanent Solutions and Alternate Treatment Technologies to the Maximum Extent Practicable

U.S.EPA has determined that the selected remedy represents the maximum extent to which permanent solutions can be utilized in the most cost effective manner to address potential drinking water contamination in the affected area. U.S.EPA has determined that the selected remedy provides the best balance of tradeoffs in terms of short-term effectiveness, implementability, cost and State and community acceptance. The criteria of long-term effectiveness and permanence are met by the permanent hook-up of residences to a public water supply.

This operable unit does not address the reduction in toxicity, mobility or volume achieved through treatment or the statutory

preference for treatment as a principal element of the selected remedy. Future operable units will specifically address the remediation of on-site sources and contaminated soils and groundwater with respect to applicable statutory requirements.

E. Preference for Treatment

Since the selected alternative does not involve any treatment, this operable unit does not address the preference for treatment. Again, this statutory preference will be evaluated in future operable units that specifically address contamination at the site.

RESPONSIVENESS SUMMARY

Appended to this ROD is the Responsiveness Summary which present background information, describes community involvement and categorizes the public comments received during the public comment period and U.S.EPA's responses to the comments.

## INTRODUCTION

These documents comprise the Administrative Record for the Skinner Landfill Site - Update No. 1. An index of the documents in the Administrative Record is located at the front of the first volume along with an acronym index and an index of guidance documents used by EPA Agency Staff in selecting a response action at the site.

The Administrative Record is also available for public review at United States Environmental Protection Agency, 77 W. Jackson Blvd, Chicago, IL 60604. Questions concerning the Administrative Record should be addressed to the EPA Administrative Record Coordinator.

The Administrative Record is required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA).

## Responsiveness Summary for the Record of Decision

### Overview

Public reaction was generally in support of the proposed interim remedy. Two public comments were received; one from the local activist group, and one from the Potentially Responsible Party (PRP) Coalition. Responses to specific concerns which have been raised are given below.

### Community Relations Activities

During the course of the investigation, a number of meetings were held with the community and with a local activist group.

A fact sheet outlining U.S. EPA's plans for the investigation of the Skinner Landfill site was distributed to the public in March of 1986.

A fact sheet describing the results of Phase I of the Remedial Investigation (RI) and plans for Phase II of the RI was distributed to the public in April of 1987.

A fact sheet describing the results of Phase II of the RI and plans for the Baseline Risk Assessment (RA) and Feasibility Study (FS) was distributed to the public in June of 1991. Representatives of the U.S. EPA and the Ohio EPA held a public meeting in West Chester, Ohio on June 20, 1991 to discuss the results of the Phase II RI and plans for future activities at the Skinner site.

A fact sheet describing the results of the Feasibility Study, and presenting the U.S. EPA's preferred alternative for a comprehensive cleanup of the entire Skinner Landfill site was distributed to the public in April, 1992. A component of this cleanup plan was on-site incineration of approximately 17,000 cubic yards of lagoon wastes. A public meeting to discuss the proposed plan and to gather public comments was held on May 20, 1992. A second public meeting on this subject was held on July 29, 1992. An ancillary purpose of this second public meeting was to present to the public the results of an assessment of the risks posed by the on-site incineration option, which had been requested at the May 20, 1992 public meeting. However, this meeting was disrupted by the local activist group to the point that the risk assessment information was not adequately conveyed to the public.

Subsequent to the second public meeting, due to concerns expressed by members of the public and by elected officials, the U.S. EPA decided to alter its decisionmaking approach for this site. On August 7, 1992, U.S. EPA mailed an announcement to



members of the public and issued a news release, indicating that:

- 1) U.S. EPA proposes to select an interim remedy for this site, including fencing the contaminated portion of the site and providing alternative water supply to potentially affected homes;
- 2) The comment period for fencing and alternate water supply will end on August 31, 1992;
- 3) The comment period for the remaining portions of the remedy will remain open until further notice, in order to address community concerns.

A coalition of various West Chester community groups was formed after the July 29, 1992 public meeting in order to discuss the Skinner Landfill cleanup and to meet with the U.S. EPA and Ohio EPA. This coalition includes representatives from the Township Trustees, the Chamber of Commerce, C.L.E.A.N, the School Board, the Old West Chester Merchants Association, the Union School PTA, the Home Builders Association, the Firefighters/Service Group, and a number of Township Residents. The U.S. EPA and Ohio EPA have met several times with this coalition, and expect to meet with them in the future.

#### Summary of Public Comments and U.S. EPA Responses

##### 1) Comment

The U.S. EPA should consult with the newly formed Skinner Landfill Coalition regarding the design and placement of the fence. What area would be enclosed by this fence?

##### Response

The U.S. EPA presented its proposed fence description and boundaries to the Skinner Landfill Coalition on July 16th, 1992, and has taken comments made by the Coalition into account in this Record of Decision.

##### 2) Comment

The fence must encompass all areas which pose a possible threat to the public. In addition to those areas which are simply "contaminated", this would include threats from physical objects and equipment, natural hazards (such as the steep-sided ponds on site) and activities or operations which may be carried out on the site.

##### Response

The fence is designed to encompass the chemically

contaminated portions of the site. The ponds have not been found to be contaminated. The purpose of Superfund does not include the protection of the public from ponds, many of which can be found in areas which are not on Superfund sites. However, site access will have to be controlled during potential future remediation activities. These site access control measures will be addressed in a subsequent Record of Decision, along with any source control measures.

3) **Comment**

The Fence should carry notices at key locations to warn of the hazards on the site, gates must be kept locked, and the gates must be wide enough to ensure access for emergency vehicles.

**Response**

These comments have been included in the fence description, as given in the Record of Decision.

4) **Comment**

Adequate resources must be set aside to maintain the fence over the long term.

**Response**

The fence will be maintained as long as is necessary. This time period will depend on what methods are chosen to address the on-site contamination in the subsequent Record of Decision. Site access control will be a component of any subsequent Record of Decision, and will be tailored to the site conditions which remain after remedy implementation. A demonstration of the ability to provide financial assurances will accompany any long-term response actions.

5) **Question**

Will any easements be required to install the fence?

**Response**

U.S. EPA does not anticipate that any easements will be required to install the fence.

6) **Question**

What method will be used to define which users of groundwater are potentially affected?

**Response**

The defined area is based upon projections of groundwater flow from the downgradient site boundary through the unconsolidated geologic materials over a 10-year period.

7) **Question**

Will residents be asked to bear any of the cost of the changeover to district water?

**Response**

No. They will be responsible to pay their own future water bills, however.

8) **General discussion**

One commenter raised a series of questions regarding past U.S. EPA statements regarding the potential threat to groundwater. This question reflects a misunderstanding on the part of the questioner, relating to the difference between present threats and projections of potential future risks. The purpose of the interim action is to address potential future migration, not to address any current threat. There is no evidence to indicate that site contamination has ever reached off-site drinking water wells. The U.S. EPA has presented its projection of potential future risks which might result from the migration of the site contaminants into the groundwater in the Baseline Risk Assessment, where these risks were quantified. These must be recognized as different and distinct from discussions of the present extent of contamination.

9) **Question**

Is there an aquifer underlying the site, and is it a "sole source" aquifer.

**Response**

There is an aquifer underlying the site. For these purposes, any geologic formation from which water can be drawn in sufficient quantities for household use is considered an aquifer. Since the Skinners have a well on site which they regularly used for drinking and other household use, clearly there is an aquifer underlying the site. It is not, however, a sole source aquifer. Sole source aquifer is a legal term, and the designation of an

aquifer as a sole source aquifer results in specific use restrictions. The Skinner site is located within the Mill Creek Basin, which was deleted from the final determination of the Buried Valley Aquifer System, Ohio, Southern Portion, as a sole source aquifer. It was deleted because the majority of population in the basin depends primarily on surface water (Ohio River) for their drinking water supply. The Ohio EPA at the July 29, 1992 public meeting inadvertently identified the Skinner site as lying within the sole source aquifer boundary, using the designated boundary for the Mill Creek Basin. The Mill Creek Basin, while not legally included in the sole source aquifer, is hydraulically connected with the designated sole source aquifer. Refer to the Federal Register, Vol. 53, No. 131, July 8, 1988, for further explanation.

10) **Comment**

One group of commenters suggested that U.S. EPA is proposing to install a fence in order to define the extent of the "Facility" and/or "Site" for purposes of implementing CERCLA response actions.

**Response**

The purpose of the fencing is not to define the limits of "Site" and/or "Facility" for CERCLA purposes, but to limit access to the most contaminated areas of the site.

11) **Comment**

Current technical data the EPA has compiled for the Skinner Landfill in the RI/FS indicate that there is no threat to off-site well water at this time.

**Response**

While the information in the RI and FS does not indicate that there is any current contamination of off-site well water, there is a potential for future contamination of off-site well water. The purpose of the interim action is to limit the potential for human consumption of groundwater which has the potential to become contaminated in the future due to migration of contaminants from the site.

# Skinner Landfill

## Fencing

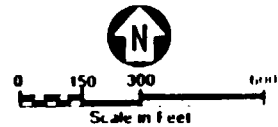
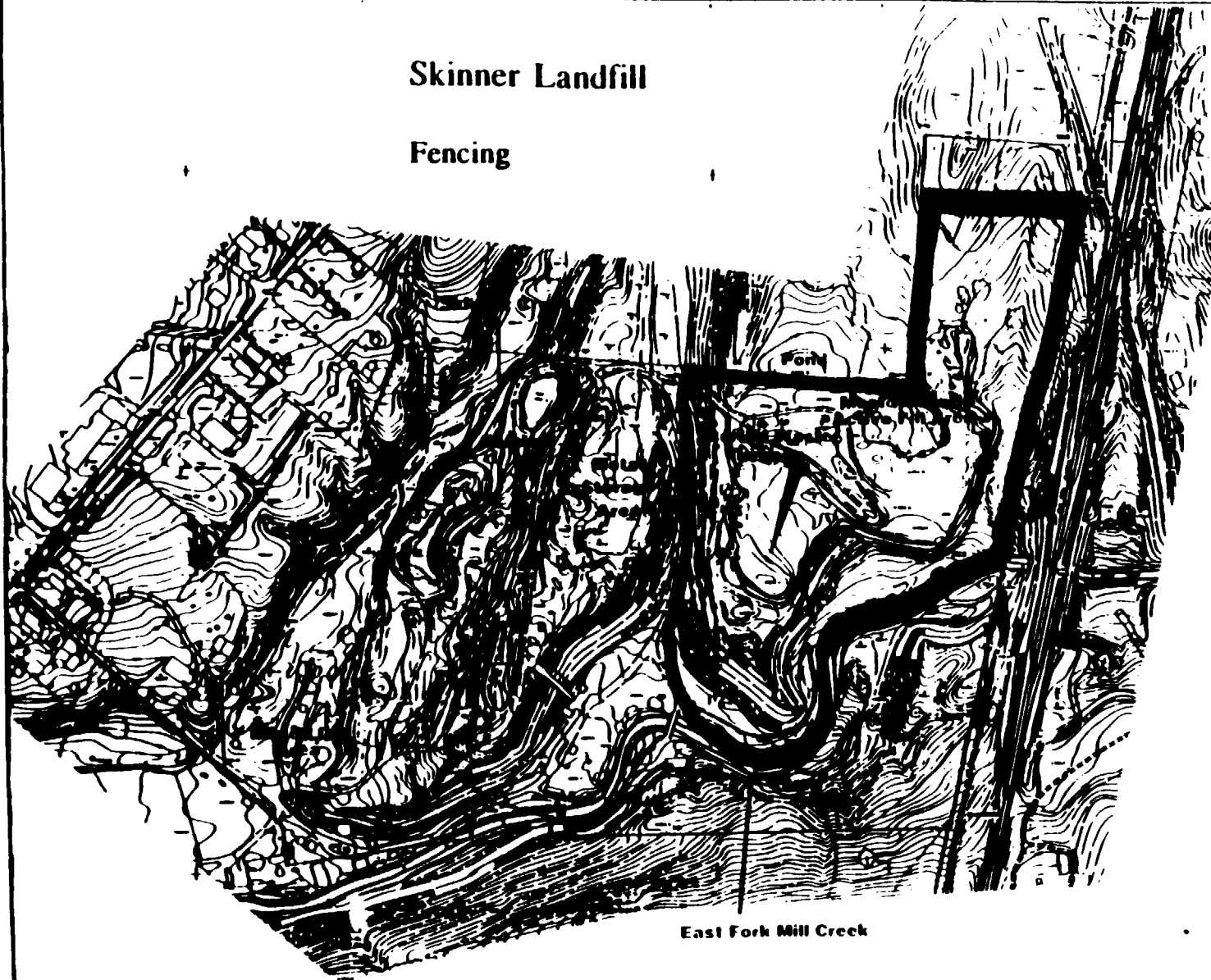



Figure 1.2  
Topographic Map

Skinner Landfill  
West Fork Mill Creek


April 1992


### Key:

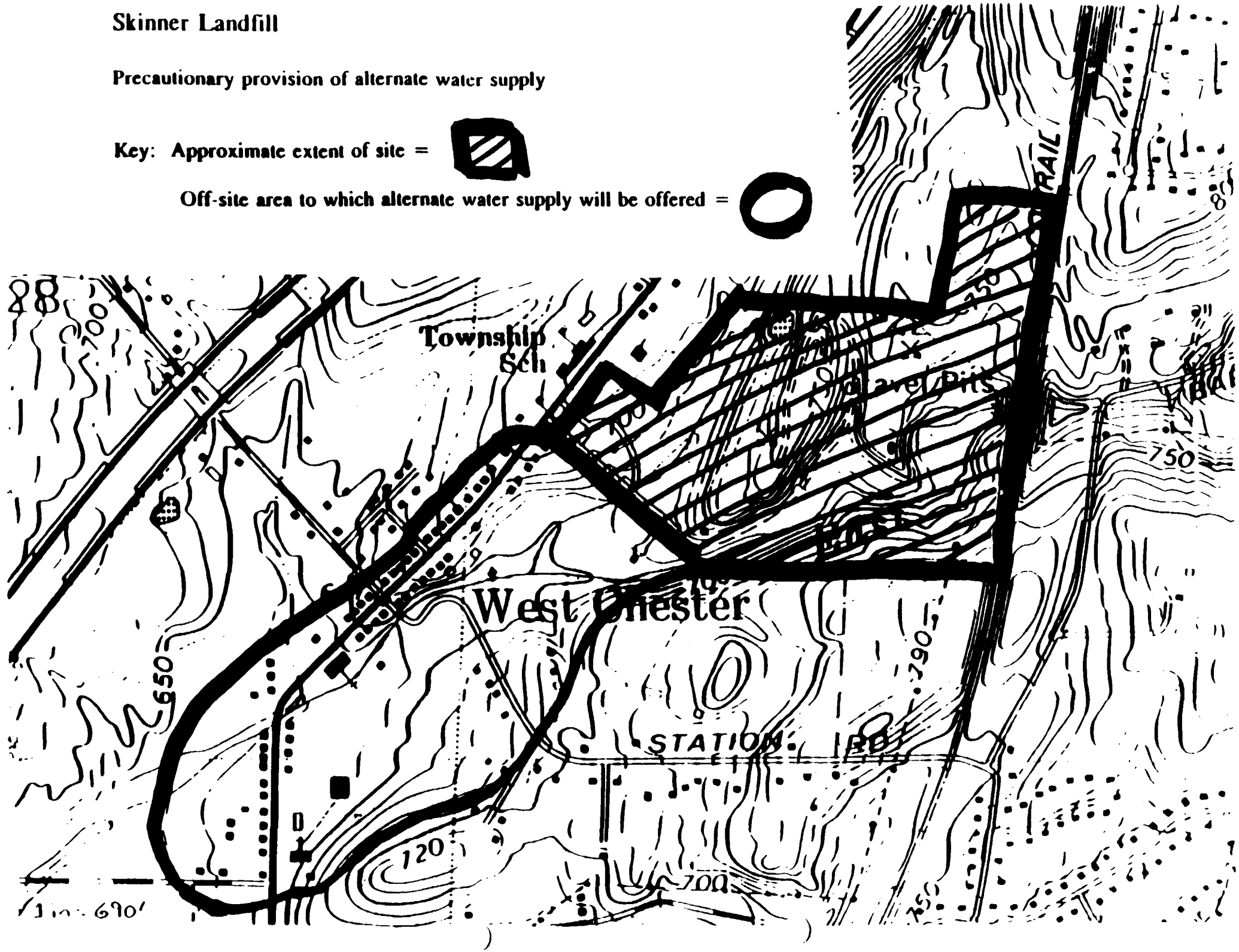
Approximate  
Fence Location = 

# Skinner Landfill

Precautionary provision of alternate water supply

Key: Approximate extent of site = 

Off-site area to which alternate water supply will be offered = 



## **ATTACHMENT 3**

## **INTRODUCTION**

These documents comprise the Administrative Record for the Skinner Landfill Superfund Site-Remedial Action. An index of the documents in the Administrative Record is located at the front of the first volume along with an acronym index and an index of guidance documents used by EPA Agency Staff in selecting a response action at the site.

The Administrative Record is also available for public review at United States Environmental Protection Agency, 77 West Jackson Blvd. 7th Floor, Chicago, Illinois, 60604. Questions concerning the Administrative Record should be addressed to the EPA Administrative Record Coordinator.

The Administrative Record is required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA).



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West Chester, Ohio  
Administrative Record**

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**REMEDIAL ACTION  
ADMINISTRATIVE RECORD**

**(Index and Documents)**

**for the**

**SKINNER LANDFILL SITE  
REMEDIAL ACTION  
WEST CHESTER, OHIO**

**FEBRUARY 1992**

**United States Environmental Protection Agency  
Region V  
230 South Dearborn Street  
Chicago, IL 60604**

2-2-1

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4	90/03/26	Letter re:	Skinner Landfill Response to proposal to complete a draft feasibility study for the Skinner Landfill site	Bonnie Souker, CEPA	Fred Barmann, USEPA	Correspondence	106
16	90/05/07	Letter re:	WBS development of recommended criteria for selecting the residential wells most appropriate for sampling on the Skinner Landfill project	Craig Vandenberg, Wd Engineering & Science	Fred Barmann, USEPA	Correspondence	107
2	90/05/09	Letter re:	Response to letter of 4/5/90 which requests information regarding the Skinner Landfill Superfund site	Richard Shank, Ohio-EPA	Honorable John Glenn Correspondence		108
1	90/06/15	Letter re:	New Ohio EPA site Coordinator for the Skinner Landfill	Mort Lehar, CEPA	Fred Barmann, USEPA	Correspondence	109
61	91/04/02	Letter re: Request for State AARs for the Skinner Landfill	Fred Barmann, USEPA	Mort Lehar, CEPA	Correspondence		110
448	91/05/00	Phase II Remedial Investigation for the Skinner Landfill site	Wd Engineering & Science	USEPA	Reports/Studies		111
489	91/05/00	Appendices for the Phase II Remedial Investigation of the Skinner Landfill site	Wd Engineering & Science	USEPA	Reports/Studies		112
488	91/06/00	Baseline Risk	Wd Engineering & Science	USEPA	Reports/Studies		113

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WEST CHESTER, OHIO

FICHE/FRAME	PAGES	DATE	TITLE	AUTHOR	RECIPIENT	DOCUMENT TYPE	DOCID
			Assessment for the Skinner Landfill Site	Science			

**FILE COPY**

**REMEDIAL ACTION  
ADMINISTRATIVE RECORD**

(Index and Documents)

for the

**SKINNER LANDFILL SITE  
UPDATE NO. 1**

**WEST CHESTER, OHIO**

**JULY 1992**

**United States Environmental Protection Agency  
Region V  
77 West Jackson Boulevard  
Chicago, IL 60604**



**Skinner Landfill Site - Update No. 1  
Remedial Action  
Administrative Record**

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24		00/00/00		8.0 Ordnance Disposal Plan, Summit Equipment Site	International Technology Corporation	USEPA	Reports/Studies	1
10		00/00/00		Ohio Revised Code		USEPA	Reports/Studies	2
15		00/00/00		1991 Thermal Remediation Industry Contractor Survey	Focus Environmental, Inc.	USEPA	Reports/Studies	3
24		00/00/00		Proposed Plan for the Skinner Landfill Site	USEPA		Reports/Studies	4
28		00/00/00		Remediation (Clean-up) of contaminated Uncontrolled Superfund Dumpsites By Incineration and Other Popular Technologies	USEPA/ Focus Environmental, Inc.	USEPA	Reports/Studies	5
12		76/04/21		Industrial Waste Investigation Industrial Liquid Waste Disposal	Industrial Liquid Waste Disposal	Med Williams, OEPA	Reports/Studies	6
4		76/03/20		Minutes of meeting held at Sheriff Robert R. Walton's Office on May 20, 1976 at 3:10 p.m.	Mary Kucer	USEPA	Meeting Notes	7
4		90/09/00		Engineering Bulletin Mobile/Transportable Incineration Treatment	USEPA		Reports/Studies	8
3		90/11/01		Notice of Lien Under	USEPA	Elsa Skinner	Correspondence	9

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			the Superfund Amendments and Reauthorization Act of 1986				
6	91/06/00		Fact Sheet re: Skinner Landfill Phase II Remedial Investigation	USEPA		Fact Sheets	10
49	91/06/17		Deposition of Elsa Skinner	Britton & Associates	USEPA	Reports/Studies	11
1	91/06/17		Public Voucher For Advertising	USEPA		Other	12
31	91/06/18		Deposition of Charles Ringel	Britton & Associates	USEPA	Reports/Studies	13
43	91/06/18		Deposition of Michael Countryman	Britton & Associates	USEPA	Reports/Studies	14
39	91/06/19		Deposition of Ray Skinner	Britton & Associates	USEPA	Reports/Studies	15
4	91/06/20		USEPA and OEPA Invite the public to a informational public meeting	USEPA/OEPA	Public	Press Release	16
2	91/07/30		Letter re: Formal request for a 6-month extension of the comment period that is scheduled for the Skinner Landfill Site	Lisa Whitacre, CLEAN	Sheila Sullivan, USEPA	Correspondence	17
2	91/08/09		Skinner Landfill: Estimated Quantity of Drums	Christopher Miron/ Craig VanderBerge, WM Engineering & Science, Inc.	Sheila Sullivan, USEPA	Correspondence	18

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4	91/06/20	USEPA and OEPA Invite the public to a informational public meeting	USEPA/OEPA		Public	Press Release	16
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2	91/08/09	Skinner Landfill: Estimated Quantity of Drums	Christopher Miron/ Craig VanderBerge, WM Engineering & Science, Inc.		Sheila Sullivan, USEPA	Correspondence	18

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12	91/09/16	Letter re: Request for extension on USEPA's comments period for Superfund Site	Honorable John Boehner, House of Representatives	Sheila Sullivan, USEPA	Correspondence	19	
8	91/10/00	Engineering Bulletin Control of Air Emissions From Materials Handling During Remediation	USEPA	Various	Reports/Studies	20	
1	91/10/24	Letter re: Request of Union Township assistance in installing Superfund warning signs	Fred Bartzman, USEPA	Betsy Schaffner	Correspondence	21	
9	92/01/00	Estimating Potential for Occurrence of DNAPL at Superfund Sites	USEPA		Reports/Studies	22	
9	92/01/28	Letter re: Status of the Health Assessment being conducted for the Skinner Landfill	Tracy Shelley, Dept. of Health	Gina Weber, USEPA	Correspondence	23	
18	92/02/00	Guidance To ATSDR Health Assessors Public Health Overview Of Incineration As A Means To Destroy Hazardous Waste	U.S. Department of Health and Human Service	USEPA	Reports/Studies	24	
2	92/04/10	Memorandum re: Follow-up on Skinner Landfill Dioxin/ Dibenzofuran Data	John F. Estanik, OEPA	Mark Lehar	Memorandum	25	

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1		92/04/21	USEPA Announces A 30-Day Public Comment Period Which Will Conclude On May 27, 1992 for the Completion of Investigation and Evaluation of Cleanup Alternative for the Skinner Landfill Site	USEPA	Public	Press Release	26
10		92/04/21	USEPA Completes Investigation and Evaluation of Cleanup Alternatives for the Skinner Landfill Site	USEPA	Public	Press Release	27
27		92/05/01	Union Elementary School Sampling Event Skinner Landfill	Mark Lehar, OEPA	Thomas Hayden, Union Reports/Studies Sch.		28
1		92/05/01	Letter re: Site coordinator change - Skinner Landfill	Mark Lehar, OEPA	Shella Sullivan	Correspondence	29
3		92/05/07	Letter re: Request for 60-day extension of public comment period on the Proposed Plan for the Skinner Landfill Site	Laura Ringenbach, Taft, Stettinius & Hollister	Shella Sullivan, USEPA	Correspondence	30
95		92/05/20	Public Hearing Skinner Landfill Superfund Site Transcript of Proceedings	USEPA		Meeting Notes	31
11		92/06/02	Memorandum re: 1976 report	Chuck Twing, U.S. Army Corps	USEPA	Memorandum	32

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				of Engineers			
5	92/06/22		Letter re: Skinner Landfill - Union Township, Butler County	David Gully, Union Township	Eric Kauffman, U.S. Army	Correspondence	33



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UPDATE #2

SKINNER LANDFILL SITE

WEST CHESTER, OHIO

10/13/92

DOC#	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
----	----	-----	-----	-----	-----
1	05/03/78			Deposition of John C. Skinner in Case No. CV77-08-0679. State of Ohio vs. Albert Skinner & Mrs. Albert Skinner	78
2	08/04/78			Deposition of Albert Skinner in Case No. CV77-08-06679. State of Ohio vs. Albert Skinner, & Mrs. Skinner, The Skinner Landfill	25
3	07/27/92	Martin, F., Dept. of the Army	Kawecki, J., U.S. EPA	Response to Request on Possible Chemical Warfare Agents in Landfill	2
4	08/07/92	Glass, J., Army Corps. of Engineers	Boehner, J., Congressman	Response to Inquiry re: Possibility of Dept. of Defense Ordnance Disposal in the Landfill	6
5	08/28/92	Dyas, C., Attorney	Sullivan, S. & Allen, C., U.S. EPA	Cover Letter and Comments for the Administrative Record	14
6	08/31/92	Butler, L., C.W.E.A.N.	Allen, C., U.S. EPA	Comments & Questions on Fencing & Alternate Water Supply	3

## ATTACHMENT 4

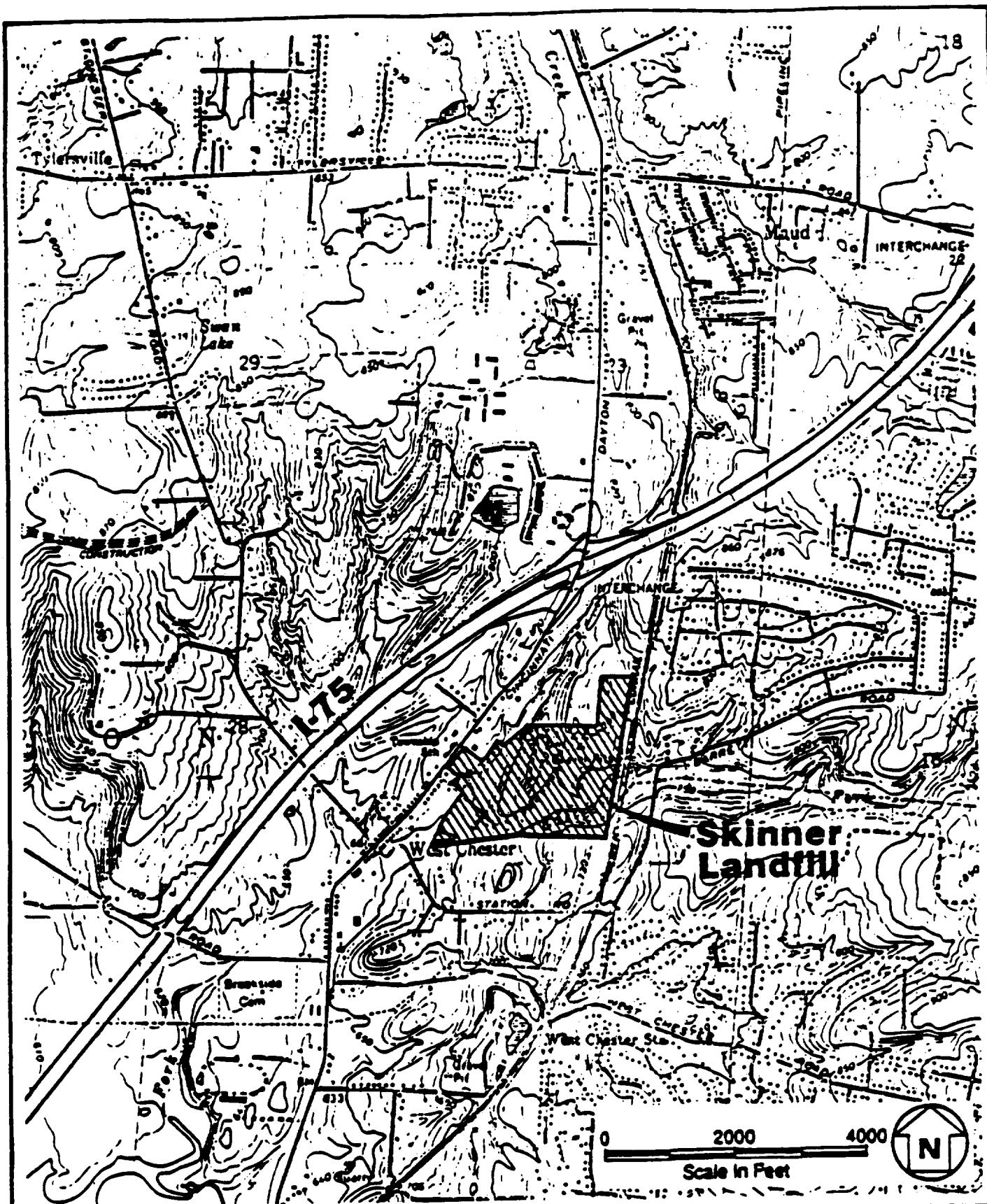


Figure 1.1  
**Site Location Map**  
**Skinner Landfill**  
 West Chester, Ohio

February, 1989

04003.01

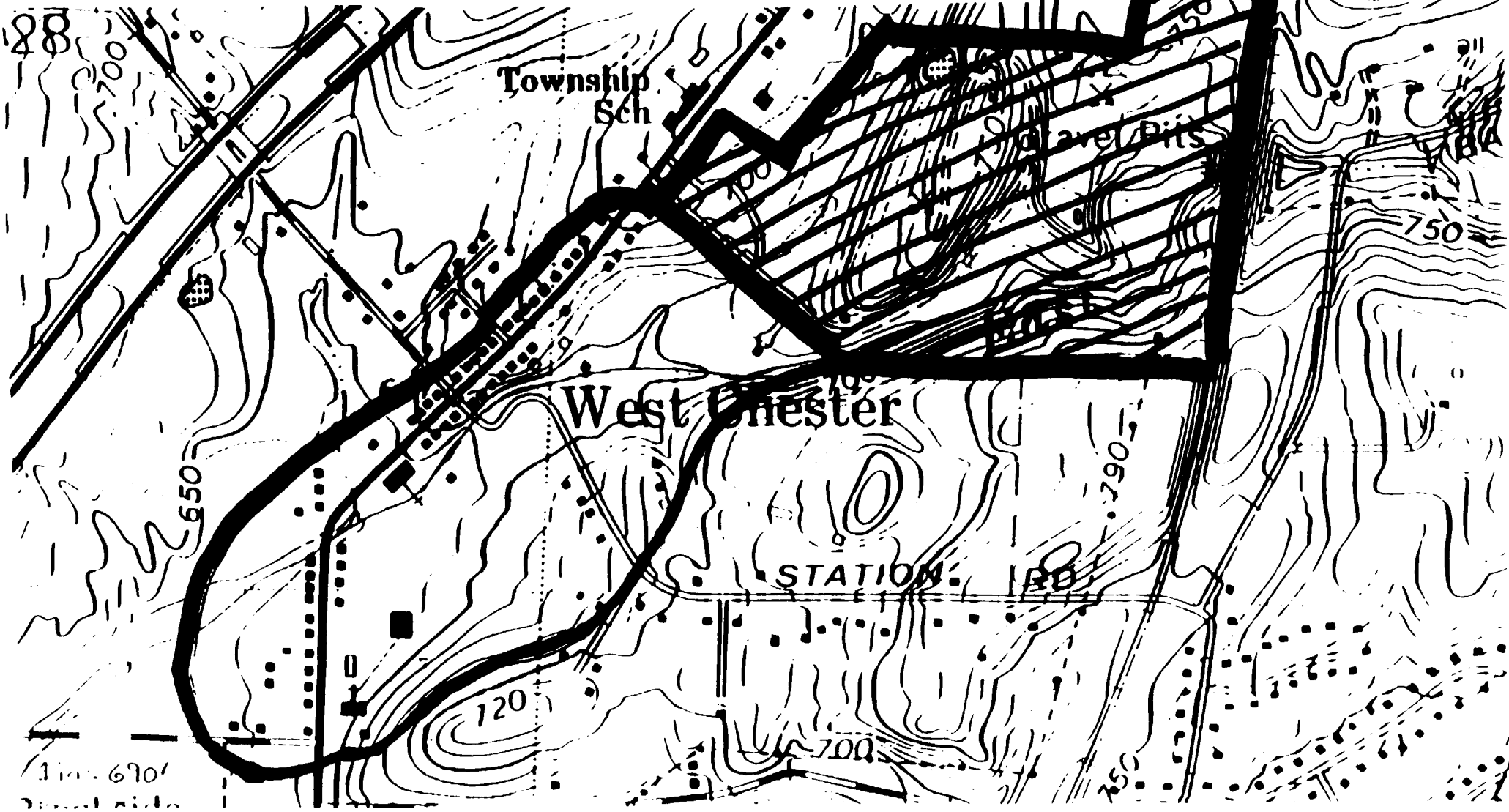
# Skinner Landfill

Precautionary provision of alternate water supply

Key: Approximate extent of site =



Off-site area to which alternate water supply will be offered =



## ATTACHMENT 5

**LIABILITY FILE INDEX  
SKINNER LANDFILL SITE  
WEST CHESTER, OHIO**

<b>COMPANY</b>	<b>DOCUMENTS</b>
Aeronca, Inc.	Site logs Butler County Records
American Cyanamid	Site logs
Canadian OXY Offshore Production Co.	Site logs Responses to Info. Requests
Chemical Leaman Tank Lines	Site logs Deposition
Cincinnati Milacron, Inc.	Site logs Responses to Info. Requests
Columbian Chemicals Co.	Site logs Responses to Info. Requests
Dow Chemical Co.	Site logs Butler County Records
Erving Paper Mills	Site logs Responses to Info. Requests
Ford Motor Co.	Site logs Butler County Records
Formica Corp.	Site logs Responses to Info. Requests
General Electric Aircraft Engines	Site logs Deposition
Georgia-Pacific Corp.	Site logs Deposition
Monsanto Co.	Butler County Records
Morton International, Inc.	Responses to Info. Requests
Multi-Color Corp.	Site logs Responses to Info. Requests
Olin Corp.	Site logs Responses to Info. Requests

PPG Industries, Inc.

Site logs  
Deposition

Sealed Air Corp.

Site logs  
Responses to Info. Requests

Elsa Skinner-Morgan

Deposition  
Title

Velsicol Chemical Corp.

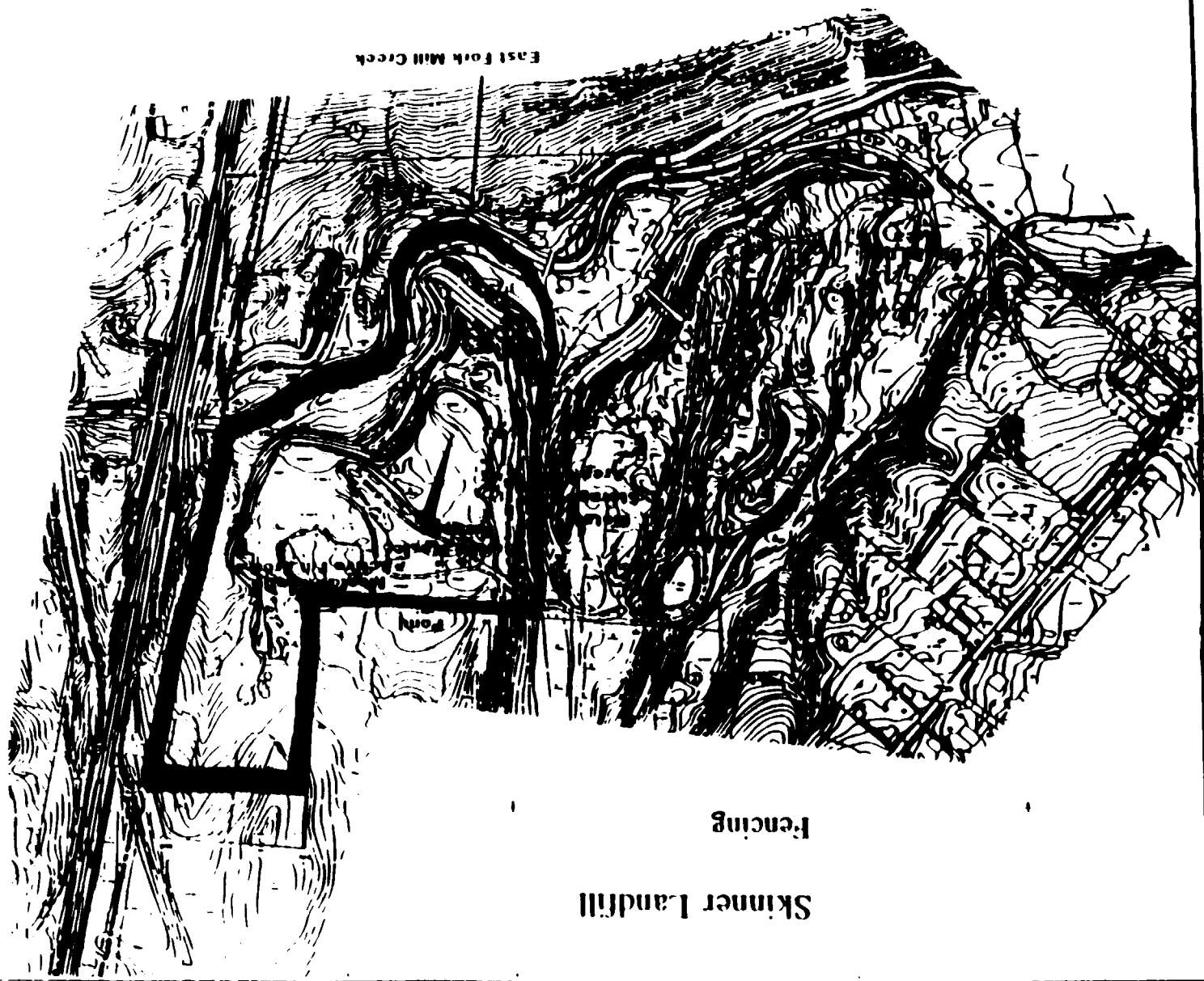
Butler County Records  
Deposition

## **ATTACHMENT 6**



Key:

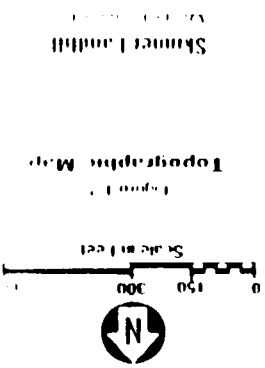
Approximate



Skinner Landfill  
Fencing

East Fork Mill Creek

Port



April 1992